

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. 35504

231736

**UNION PACIFIC RAILROAD COMPANY—PETITION FOR DECLARATORY
ORDER**

**OPENING COMMENTS OF
WESTLAKE CHEMICAL CORPORATION**

Westlake Chemical Corporation (“Westlake”) hereby submits its opening comments in accordance with the December 12, 2011 decision of the Surface Transportation Board (“STB” or “Board”) in the above-captioned proceeding. Union Pacific Railroad Company (“UP”) seeks a declaration that Items 50 and 60 of UP Tariff 6607, which require shippers of Toxic Inhalation Hazard (“TIH”) materials to indemnify UP against all liabilities, except to the extent those liabilities are caused by the negligence of UP, are not unreasonable. Those tariff items would make TIH shippers responsible not just for the shippers’ own negligence, but for any cause whatsoever that is not otherwise attributable to UP, even if the shippers are not at fault and even if a third party is at fault. UP’s tariff is grossly overreaching and turns basic principals of tort law on their head.

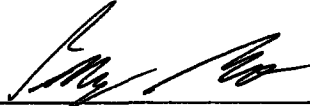
**ENTERED
Office of Proceedings**

JAN 25 2012

**Part of
Public Record**

Westlake is a member of the American Chemistry Council and hereby adds its support to the joint comments filed by the American Chemistry Council, the Chlorine Institute, The Fertilizer Institute, and the National Industrial Transportation League, and urges the Board to determine that UP's tariff is unreasonable


Respectfully submitted,



Jeffrey O. Moreno
Thompson Hine LLP
1020 N Street, N.W.
Washington, DC 20036
(202) 331-8800
*Counsel for Westlake Chemical
Corporation*

Certificate of Service

I hereby certify that on 25th day of January 2012, a copy of the foregoing Joint Comments of Westlake Chemical Corporation was served by electronic delivery on all parties of record in these proceedings.



Jeffrey O. Moreno